

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BARBARA WILLIAMS,

Plaintiff,

v.

EMERITUS CORPORATION, a foreign  
corporation, doing business in Nevada as  
LOYALTON OF LAS VEGAS, DOES I  
through X and ROES I through X,

Defendants.

Case No. 2:11-cv-01497-MMD-NJK

ORDER

(Defendant's Motion for Summary  
Judgment – dkt. no. 16)

Before the Court is Defendant Emeritus Corporation's motion for summary judgment on the remaining negligence claim (dkt. no. 16). Plaintiff Barbara Williams' response was due on December 21, 2012. She did not meet this deadline and has not opposed the motion. For the reasons discussed below, the motion is granted.

**I. BACKGROUND**

This case stems from the events that led to the tragic death of Plaintiff Barbara Williams' mother, Ardelle Ryder, while she was living at a nursing home operated by Defendant Emeritus. The underlying facts are set out in more details in the Court's prior Order. (Dkt. no. 12.) After issuance of that Order, the only claim remaining is Williams' negligence claim. Emeritus now moves for summary judgment on this claim.

**II. DISCUSSION**

Summary judgment is appropriate for two reasons. First, Williams failed to respond to Emeritus' Motion. Failure to file points and authorities in opposition to a


1 motion constitutes consent that the motion be granted. L.R. 7-2(d); see *Abbott v. United*  
2 *Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). Second, Emeritus' Motion  
3 should be granted on its merits. Emeritus argues that because Williams' negligence  
4 claim is premised on her mother's wrongful death, her claim is time barred under NRS  
5 11.190(4)(e). NRS 11.190(4)(e) provides that an action to recover damages resulting  
6 from injuries or death of a person must be filed within 2 years. The Court agrees with  
7 Emeritus that this action was filed more than two years after Ryder's death and is  
8 therefore time barred.

9 **III. CONCLUSION**

10 IT IS HEREBY ORDERED that Emeritus' motion for summary judgment (dkt. no.  
11 16) is GRANTED.

12 The Clerk is directed to close this case.

13  
14 DATED THIS 18<sup>th</sup> day of January 2013.

15  
16   
17 \_\_\_\_\_  
18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28